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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002884

SIPDIS

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SUBJECT: BAGHDAD CAPITAL LAW WORKING GROUP MAY CALL FOR NEW
CAPITAL COUNCIL

REF: BAGHDAD 2771

Classified By: Deputy Political Counselor Greg D'Elia for reasons 1.4 (b) and (d)

¶1. (SBU) Summary: In response to apparent inaction within the Council of Representatives (CoR), a group of Baghdad stakeholders has taken the initiative and started discussions on a draft Baghdad Capital Law (BCL). Although passage is a constitutionally mandated requirement, the BCL has fallen by the wayside. The BCL is intended to address Baghdad's special status as Iraq's capital and would define the relationship between the Baghdad municipality (the capital) and Baghdad Province. More work is needed, but the group is currently planning to propose a new elective body, the Capital Council, that would function as a separate entity serving the capital. End Summary.

¶2. (C) Article 124 of the Iraq Constitution states that Baghdad in its municipal borders is the Capital and in its administrative borders the Governorate and that there shall be a law to regulate the role of the two entities. The proposed BCL will seek both to solidify the geographical borders of the Capital and the Governorate, and to address the more vital question of what entity will wield actual administrative control over the city) the provincial council or some other body such as the Amanat, Capital Council or combination of both.

City Hall) Provincial Council Tensions

¶3. (C) The Baghdad Amanat (loosely translated as City Hall) is responsible for providing services to the city, which it does with both central government and PC funds and administers through service districts or beladiyachs. In 1995, the Amanat was given ministerial status and raised above provincial politics. Under the CPA, the relationship between the Provincial Council and the Amanat became muddled and open to interpretation. Since the 2005 elections, the Provincial Council has systematically attempted to subjugate the Amanat. In 2005 the PC dissolved the Baghdad City Council, a CPA established legislative body for the Amanat, thus making the District Advisory Councils dependent on the PC for support. Recent PC attempts at asserting power have not fared as well- last week the PC was unsuccessful in blocking the reinstatement of Sadrist-linked Deputy Mayor Naeem Kaby (REFTEL), signaling a possible confrontation between the Amanat and the PC. The BCL could either solidify the PC's authority over the city or remove Baghdad city services from PC's purview.

Working Group Gets Technical Assistance

¶4. (C) Facilitated by USG contractor RTI, a working group of representatives from the Provincial Council, various District Councils, the Amanat and the Council of Representatives (CoR)

meets regularly to draft a Baghdad Capital Law. The group hopes to reach a consensus on the future of Baghdad City and submit its BCL proposal to the CoR. Not surprisingly, the PC representatives, headed by Legislative Affairs Committee Chairperson Dr. Khawla Al Hassany, favors a model that grants the PC ultimate control over the city, while the Amanat and CoR representatives argue for a more fragmented approach. (Note: Dr. Khawla is PC Chairman Mueen's wife. End Note)

15. (C) After several months of discussion, the BCL working group seems to have agreed on a version of the BCL that would establish an elected representative body) the Capital Council. The Capital Council (CC) would be a popularly elected entity responsible for running the capital. However, the devil is in the details: for example, would the Capital be defined as all of Baghdad or just a part of it? (Note: Dr. Khawla suggested that the International Zone would be the "capital" and the remaining part of the city would fall under the PC's purview. End Note) PC member participation in the CC, responsibility for essential services and other issues are yet unresolved, but have significant implications on both the Provincial Council and the Capital Council. The PC sees the working group as an opportunity to prepare a draft law that favors provincial authority and Dr. Khawla is careful with whom she invites to meetings) the Council of Ministers (CoM) absence is notable.

16. (C) Comment: While the BCL working group is off to a good start, there still is no consensus as to where the center of power over Baghdad City should reside) with the Province, Capital Council or Amanat. The CoR's workload could also hinder debate on a draft BCL and there is little

BAGHDAD 00002884 002 OF 002

sign as yet of CoR interest in pressing forward on the BCL. Nevertheless, the removal of ambiguities over the roles and responsibilities in Baghdad would greatly enhance the future capacity for the delivery of essential services to the residents of Baghdad. Baghdad PRT will continue to monitor the group's progress until it is submitted to the CoR, CLA and POL will report and provide analysis as necessary. End Comment.

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